

## Criminal Trial

A *trial* is a process by which the facts and issues surrounding a case are reviewed and decided upon in court. The outcome of this process is a *verdict* or *judgment*. A typical criminal case, however, does not usually proceed to trial, but is resolved through a *guilty plea*. Those cases that do go to trial will be heard and judged either by a judge (bench trial) or a jury (jury trial).

Most citizens will never view or go through an actual trial process. Unfortunately, the popular media, such as films and television shows, gives us a distorted view of trials. In these make-believe settings, the trial resembles a drama where the “good guys” triumph in the end. Occasionally, courtroom actors in the media are allowed to behave in ways that are clearly illegal or false. For example, in real life, a defense attorney may not bring in a “surprise” witness at the end of a trial.

In a trial the truth is found and tested. Questions are answered about the “who, what, when, where, and why” of a case. Hopefully by the end of this search for answers, a just and fair verdict will be reached. In order to get to that point it is first necessary to complete all of the stages involved in the trial process. Let’s assume in the following case that a jury trial is about to begin.



In a jury trial, the jurors must decide if the accused is guilty or not guilty.

## One Dumb Robber

A 19-year-old student, Jake Merriweather, was charged with the crime of first degree armed robbery. On September 14, 1995, Jake walked into a crowded coffee shop and pulled out a large pistol. He demanded money from the customers and cashier. Putting the loot in a brown bag, Jake fled to the get-away car parked outside the shop. As he tried to drive away, his car stalled. He then jumped out and hailed a taxi.

Jake had dropped his wallet with a driver’s license in the coffee shop. He forgot the bag of money in the stalled car in his hurry to flee the scene of the crime. The police found the car, his wallet, the stolen money, and minutes later, Jake, who was emptying water from his fake pistol. Jake was promptly arrested and booked. The court appointed a lawyer to represent him and Jake entered a plea of not guilty to the charges read to him. Bail was set at \$1,000 but Jake, lacking money, had to sit in jail and await his trial date. The case of *The State v. Jake Merriweather* has begun!

## ***The State v. Jake Merriweather***

STEP ONE is the *opening statement*. The prosecutor (state) goes first, followed by the defense attorney. Both sides will explain to the jury briefly what they wish to prove and how that will be done. Offering *evidence* is one way to help prove something in court. Evidence consists of facts and information about a case such as witnesses or physical evidence (fake pistol).

STEP TWO involves the *presentation of the state's case*. The burden of proving an accused person (defendant) committed a crime is always on the state. A defendant is assumed to be innocent until proven guilty. The prosecutor will provide all of the state's evidence to the jury for it to evaluate.

STEP THREE is identical to step two except this time it is the *presentation of the defense's case*. The defense attorney for the accused person has an opportunity to show why his or her client is either innocent or justified in committing the crime. Like a prosecutor, the defense attorney may present evidence to the jury.

STEP FOUR, which is called *closing arguments*, begins once both sides are finished presenting their cases. The prosecutor and defense attorney give their final statements to the jury. These remarks focus on the strengths (prosecutor) or weaknesses (defense) of the state's case.

STEP FIVE centers on the *jury deliberations* or review of the case. Members of the jury are placed in a private conference room and ordered to reach a *verdict*, if they can, by the judge. A verdict is the final decision, or judgment, of a jury. It is arrived at after a careful discussion of the facts of a case followed by a vote as to whether the accused person is guilty or not guilty.

STEP SIX is *reading the verdict aloud* in court. A "not guilty" verdict means the trial is over and the defendant is free to go. A "guilty" verdict, however, leads to a final step.

In STEP SEVEN *sentencing* occurs. A guilty defendant may be fined, put in prison, placed on probation, or given a mix of different penalties allowed by law. The sentence will depend, naturally, on the seriousness of the crime.

P.S. Jake Merriweather received a suspended sentence and was forbidden to drive. He was also forbidden to own real or fake weapons.



**The verdict is read aloud in court.**

Name \_\_\_\_\_ Date \_\_\_\_\_

## A Court of Errors

Read through the following case. Spot the mistakes related to courts and trials. Briefly write down the mistakes at the end of the case. There are 11 mistakes to find.

"Your Honor!" the prosecutor said in protest. "My client is accused of arson. The building never burned down. How can he be charged with setting fire to it?"

"Easy," replied the clerk of court. "He had a can of gasoline and matches in his hand when the police arrived."

The prosecutor frowned and sat down. His client wanted to enter a verdict before the trial began. Things were not going well. The bailiff's docket was broken. The judge had filed a complaint with the victim. Even the clerk of court refused to be helpful.

After closing statements, both sides—the state and the defense—presented their cases. No evidence was allowed. Not even the gas can and matches. The defense attorney was ordered to also serve as a juror.

"This trial is too stupid!" yelled the prosecutor. "Judges aren't supposed to say anything during a trial. I've had enough! I am going to let the court reporter represent my client." Which he did and exited the courtroom.

In the end, his ex-client was found "sort of, somewhat, almost, not quite guilty" by the jury!

### Errors

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_

Name \_\_\_\_\_ Date \_\_\_\_\_

## Court Cryptogram

Decipher these words that relate to courts (see page 68 for master key).

1. Person accused of a crime

Q R S R A Q N A G

2. Responsible for keeping an accurate record of a trial (two words)

P B H E G E R C B E G R E

3. A judge's calendar of cases

Q B P X R G

4. Where witches were hanged

F N Y R Z

5. Process for hearing a case

G E V N Y

6. Scientific witness

R K C R E G

7. Opposite of a not guilty plea (two words)

T H V Y G L C Y R N

8. Person claiming a crime happened to him or her

I V P G V Z

9. Person who safeguards judge, jury, and witnesses

O N V Y V S S

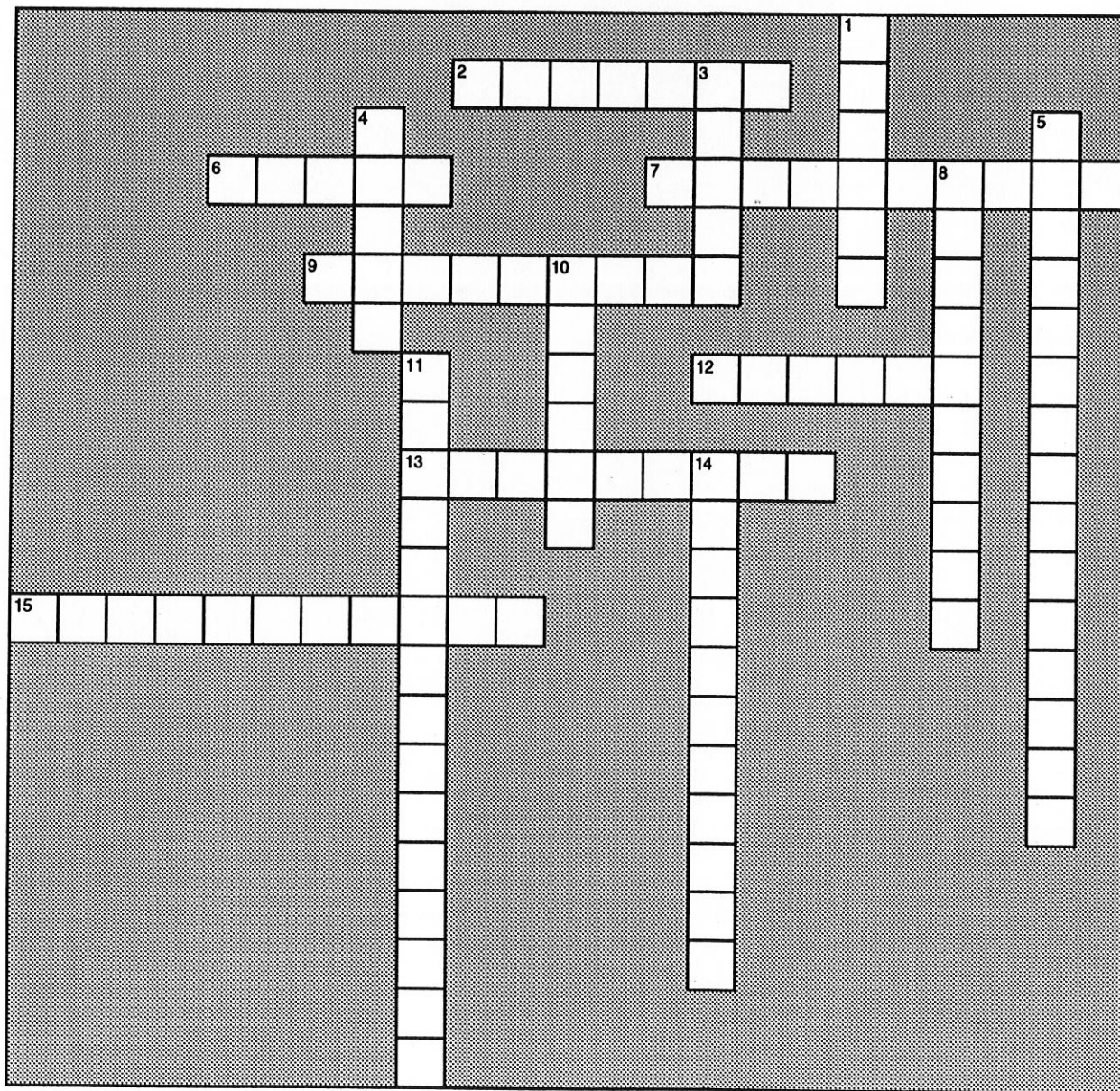


Name \_\_\_\_\_

Date \_\_\_\_\_

## Justice Crossword Puzzle

Use the clues below to complete the crossword puzzle.



### ACROSS

- 2. Decision of a judge or jury
- 6. The process for hearing a case
- 7. Defendant admitting he did the crime (two words)
- 9. Someone charged with a crime
- 12. Those responsible for enforcing laws
- 13. \_\_\_\_\_ courts review the procedures and penalties of trial courts.
- 15. Deals with the punishments of people convicted of crimes

### DOWN

- 1. Person claiming to be the injured party of a crime
- 3. Place where a trial is held
- 4. Place where witch trials were held
- 5. Person who represents the accused (two words)
- 8. Person representing the state in a case against a defendant
- 10. A judge's calendar of cases
- 11. Federal and state court systems existing side by side (three words)
- 14. When the defendant pleads "guilty" or "not guilty"